

REMARKS/ARGUMENTS

The Applicant has carefully considered this application in connection with the Examiner's Actions including the Final Rejection mailed July 12, 2005, and respectfully requests reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicant originally submitted Claims 1-20 in the application. In the present preliminary amendment, the Applicant has amended Claims 1-2, 4, 6, 8-9, 13, 15-16, 18 and 20. Support for the amended claims can be found in paragraph 33 on pages 14-15 of the original application. No other claims have been amended, added or canceled. Accordingly, Claims 1-20 are currently pending in the application.

I. Rejection of Claims 1-2, 4-5, 7-9, 11-12, 14-16, 18 and 19 under 35 U.S.C 103

Previously the Examiner rejected Claims 1-2, 4-5, 7-9, 11-12, 14-16, 18 and 19 as being unpatentable over the Applicant Admitted Prior Art (AAPA) in view of U.S. Patent No. 5,872,481 to Sevic, *et al.* The cited combination of what is taught in the background of the application (referred to as AAPA by the Examiner) and Sevic, however, does not render amended independent Claims 1, 8 and 15 obvious.

The AAPA does not teach or suggest adaptively selecting a voltage level to apply across a driver stage of a line driver to provide a power level for sending a signal as a function of line characteristics of a transmission path as recited in amended independent Claims 1, 8 and 15. Instead, the AAPA provides a general background of conventional line drivers. Sevic also does not teach or suggest adaptively selecting a voltage level to apply across a driver stage of the line driver to provide a power level for sending the signal as a function of the line characteristics of the transmission path. Instead, Sevic teaches selectively activating appropriate amplifier stages of an

amplifier circuit that are necessary to provide a desired level of output power. (See the Abstract, lines 6-10.) Sevic discloses a switch control circuit to control the connection of an input switch and an output switch to activate the appropriate amplifier stages. (See column 2, lines 49-53.) Thus, instead of adaptively selecting a voltage level to apply across a driver stage of a line driver to provide a power level, Sevic teaches selecting appropriate amplifier stages to provide a desired power output.

Accordingly, the cited combination does not teach or suggest each and every element of independent Claims 1, 8 and 15 as amended. As such, the cited combination of AAPA and Sevic does not provide a *prima facie* case of obviousness of independent Claims 1, 8 and 15 and Claims dependent thereon. The cited combination, therefore, does not render obvious Claims 1-2, 4-5, 7-9, 11-12, 14-16, 18 and 19. Thus, the Applicant respectfully requests the Examiner to withdraw the previous rejection and allow issuance for Claims 1-2, 4-5, 7-9, 11-12, 14-16, 18 and 19.

II. Rejection of Claims 3, 6, 10, 13, 17 and 20 under 35 U.S.C. 103

The Examiner has rejected Claims 3, 10 and 17 under 35 U.S.C. 103 as being unpatentable over AAPA in view of Sevic and in further view of U.S. Patent No. 3,755,693 to Lee and Claims 6, 13 and 20 as being unpatentable over AAPA in view of Sevic and U.S. Patent No. 3,961,280 to Sampei. As discussed above, the cited combination of AAPA and Sevic do not teach or suggest each and every element of amended independent Claims 1, 8 and 15. Additionally, the Applicant does not find where Lee or Sampei teach or suggest each element of amended independent Claims 1, 8 and 15. More specifically, the Applicant does not find where either Lee or Sampei teach or suggest adaptively selecting a voltage level to apply across a driver

stage of a line driver as recited in Claims 1, 8 and 15. Additionally, Lee and Sampei have not been cited to teach the subject matter of independent Claims 1, 8 and 15 but to teach the subject matter of the above-identified dependent claims. As such, the cited combinations of AAPA and Sevic with Lee or Sampei, do not teach or suggest each and every element of dependent Claims 3, 10 and 17 or dependent Claims 6, 13 and 20, respectively. The Applicant, therefore, respectfully requests the Examiner withdraw the rejection of Claims 3, 6, 10, 13, 17 and 20 and allow issuance thereof.

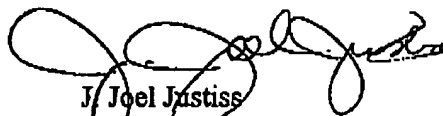
III. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-20.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, PC


J. Joel Justiss
Registration No. 48,981

Dated: 11/14/05

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800